

Attorney/Docket No. 36697.7

Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Elliott, et al.

Appl. No. 09/857,325

Filed: February 14, 2002

For: PREPARATION AND
XENOTRANSPLANTATION OF PORCINE ISLETS

§ Confirmation No.: 3318
§
§ Examiner: Qian Janice Li
§
§ Group Art Unit: 1632
§
§ Attorney Docket No.: 36697.7

IFW

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

Pursuant to the amendment to 37 CFR 1.98 (a)(2)(i), as stated in an OG Notice dated October 12, 2004, copies of the U.S. patent documents listed on the enclosed modified Form PTO-1449 are not attached.

This Information Disclosure Statement is being filed more than three months after the United States filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Action under §1.113 or Notice of Allowance under §1.311 (37 CFR §1.97(c)).

Accompanying this transmittal is the \$180.00 fee set forth in 37 CFR §1.17(p) for submission of an Information Disclosure Statement under §1.97(c).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394, order number 36697.7.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

09/09/2005 EAYALEW1 00000010 081394 09857325
01 FC:1806 180.00 DA

Respectfully submitted,

Mark D. Moore, Ph.D.
Registration No. 42,903

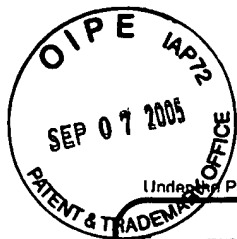
Date: 9/1/05
HAYNES AND BOONE, LLP
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Dallas, Texas 75202-3789
Telephone: 713-547-2040
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File: 36697.7
H-562657

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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

Application Number	09/857,325
Filing Date	02/14/2002
First Named Inventor	Elliott
Examiner Name	Qian, Janice Li.
Art Unit	1632
Attorney Docket No.	36697.7

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 08-1394 Deposit Account Name: Haynes and Boone, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement

Fees Paid (\$)

\$180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 42,903	Telephone 713-547-2000
Name (Print/Type)	Mark D. Moore, Ph.D.	Date September 1, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	09/857,325
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				Applicant(s)	Elliott
				Art Unit	1632
				Examiner Name	Q. Janice Li
SHEET	1	OF	6	Attorney Docket Number	36697.7

U. S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		5,389,535	02-14-1995	Aebischer, et al.
		5,516,681	05-14-1996	Naughton, et al.
		5,550,050	08-27-1996	Holland, et al.
		5,573,528	11-12-1996	Aebischer, et al.
		5,762,926	06-09-1998	Gage, et al.
		5,853,385	12-29-1998	Emerich, et al.
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		5,871,767	02-16-1999	Dionne, et al.
		5,898,066	08-27-1999	Benowitz, et al.
		5,968,829	10-19-1999	Carpenter
		6,001,647	12-14-1999	Peck et al.
		6,365,385	04-02-2002	Opara
		6,716,246B1 (Also Published As AU772166 (18057/00))	04-06-2004	Gonzalez

U. S. PATENT PUBLICATIONS

Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US 2003/0044391 A1	03-06-2003	Elliott et al.
		US 2004/0014212 A1	01-22-2004	Elliott et al.
		US 2004/0033216 A1	02-19-2004	Elliott et al.
		US 2004/0213768 A1	10-28-2004	Elliott et al.
		US 2005/0042746 A1	02-24-2005	Garkavenko
		US 2005/0106128 A1	05-19-2005	Elliott et al.

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
		WO95/28167 (Also Published As EP0755258A1 JP9512015T)	10-26-1995	Research Corporation Technologies	
		WO97/07668 (Also Published As NZ316148)	03-06-1997	Roslin Institute	
		WO99/36565	07-22-1999	Human Genome Sciences, Inc.	
		WO99/46982	09-23-1999	Bresagen Limited	
		WO99/49734 (Also Published As AU32067/99 EP984699)	10-07-1999	Emory University	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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				Examiner Name	Q. Janice Li
SHEET	2	OF	6	Attorney Docket Number	36697.7

		WO99/56770	11-11-1999	Chang, Patricia	No
		WO00/66188 A2 (Also Published As EP1176970A2)	11-09-2000	Diatranz Limited	No
		WO00/66188 A3 (Also Published As EP1176970A3)	11-09-2000	Diatranz Limited	
		WO01/52871 A1	07-26-2001	Diatranz Limited	
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		WO03/039566 A2 (Also Published As EP1450831A2)	05-13-2003	Elliott, Robert Bartlett Skinner, Stephen John Martin	
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		AU 22893/95 (715177)	11-10-1995	Research Corporation Technologies, Inc.	
		AU 29135/99 (755743)		Relag Pty Ltd.; Garelag Pty Ltd.	
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		CA 2187803	10-26-1995	Research Corporation Technologies, Inc.	
		EP 0559307A1 (Also Published As NZ247062)	09-08-1993	W.R. Grace and Co.	
		EP 0755258 B1	01-23-2002	Research Corporation Technologies, Inc.	
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		NZ 250834B	05-26-1997	Elliott, Robert Bartlett	
		NZ 337792	09-14-2000	Wells, David	
		NZ 502473	01-20-2000	Diatranz Limited	
		NZ 507616	10-17-2000	Elliott, Robert Bartlett	
		NZ 515310	11-07-2001	Elliott, Robert Bartlett Skinner, Stephen John Martin	

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume- issue number(s), publisher, city/country where published
		BARNES <i>et al.</i> , "Influence of Recipient Oocyte Cell Cycle Stage on DNA Synthesis, Nuclear Envelope Breakdown, Chromosome Constitution and Development in Nuclear Transplant Bovine Embryos," <i>Mol. Reprod. Dev.</i> , 36:33-41, 1993.
		BEAL <i>et al.</i> , "Differential Sparing of Somatostatin-Neuropeptide Y and Cholinergic Neurons following Striatal Excitotoxin Lesions," <i>Synapse</i> , 3(1):38-47, 1989.
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Examiner Signature		Date Considered	
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	BOQUEST <i>et al.</i> , "Flow Cytometric Cell Cycle Analysis of Cultured Porcine Fetal Fibroblast Cells," <i>Biol. Reprod.</i> , 60:1013-1019, 1999.
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	BORLONGAN <i>et al.</i> , "Intercerebral Transplantation of Porcine Choroids Plexus Provides Structural and Functional Neuroprotection in a Rodent Model Of Stroke," <i>Stroke</i> , 35(9):2206-10, 2004.
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Examiner Signature		Date Considered	
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	KITADA MASAOKI <i>et al.</i> "Axonal Regeneration in the Central Nervous System is Enhanced by Ependymal Cell Transplants," <i>Neosci. Research Supplement</i> , 22:S318, 1998. XP000960785 21 st Annual Meeting of the Japan Neuroscience Society and the First Joint Meeting of the Japan Neuroscience Society and the Japanese Society for Neurochemistry; Tokyo, Japan; September 21 – 23, 1998. ISSN: 0921-8696
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Examiner Signature		Date Considered	
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	SALZBERG-BRENHOUSE <i>et al.</i> , "Inhibitors of Cyclooxygenase-2, but Not Cyclooxygenase-1 Provide Structural and Functional Protection against Quinolinic Acid-Induced Neurodegeneration," <i>J. Pharmacology and Experimental Therapeutics</i> , 306 :218-228, 2003.
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Examiner Signature	Date Considered
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In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	09/857,325
				Filing Date	February 14, 2002
				Applicant(s)	Elliott
				Art Unit	1632
				Examiner Name	Q. Janice Li
SHEET	6	OF	6	Attorney Docket Number	36697.7

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	Co-pending United States Patent Application Serial Number 10/088,129 filed March 14, 2002 Titled "Nuclear Transfer With Selected Donor Cells"
	Co-pending United States Patent Application Serial Number 11/036,202 filed January 14, 2005 Titled "Xenotransplant for CNS Therapy"
	Examination Report to Australian Application No. 74624/00; September 21, 2004
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